

AMENDMENTS TO THE DRAWINGS:

Applicants enclose new Figs. 5 and 12, which replace original Figs. 5 and 12, and in S46 and S65, respectively, replace "converse" with "convert."

REMARKS

The Examiner is thanked for the careful examination of the application. However, favorable reconsideration of this application is respectfully requested in view of the previous amendments and following remarks.

Claims 1-10 are pending. By this Amendment, Figs. 5 and 12 are replaced with corrected Figs. 5 and 12 and claims 1, 2 and 5-8 are amended. No new matter has been added by any of the amendments.

The Office Action objects to Figs. 5 and 12. Figs. 5 and 12 are replaced with new Figs. 5 and 12 to address the Office Action's objection.

The Office Action rejects claims 1, 2, 7 and 8 under 35 U.S.C. §103(a) over U.S. Publication No. 2003/0113027 to Chan et al. in view of JP 2002-251352 to Yoko et al. and claims 3-6, 9 and 10 under 35 U.S.C. §103(a) over Chan in view of JP 2000-251061 to Yukihiro et al. These rejections are respectfully traversed.

Chan discloses a method of reconstructing an image which includes constructing a codestream. Following the writing of the codestream, additional metadata, such as XML metadata describing the image content, is written as a final step. See Chan at paragraphs [0170], [0192], [0193] and Figs. 9, 10, 13 and 18.

The coding apparatus of claim 1 and the coding method of claim 7 differ in fundamental respects relative to the disclosure in Chan. The coding apparatus of amended claim 1 comprises an XML box adder which positions an XML box that can store a specific data into a bit stream constructing a JPEG2000 file based on a relation to data corresponding to a predetermined level of wavelet decomposition. The Examiner refers to the placement of the metadata in XML boxes as relevant to the positioning of the XML boxes in claims 1 and 7. However, claims 1 refers to

"XML data corresponding to text data". It is the XML data corresponding to text data that is positioned in claims 1 and 7. In contrast, in Chan, the Examiner refers to the creation of an XML box that has **metadata**, not XML data corresponding to text data.

The Examiner then refers to Yoko to allegedly teach the specific positioning of the XML box of Chan. Specifically, the Examiner relies on the fact that Yoko recognizes that characters require higher resolution than other types of data.

Thus, the Examiner relies on Yoko's statements concerning **characters** to teach the placement of Chan's **metadata**. Since the box that Chan is placing includes metadata, and not character data, there is no reason that one of skill in the art would look to Yoko's statements on character data to determine the placement of Chan's metadata. Accordingly, the Examiner's rationale for modifying Chan based on Yoko does not make sense.

The Examiner is therefore respectfully requested to withdraw the rejections of claims 1, 2, 7, and 8, claims 2 and 8 being dependent on claims 1 and 7, respectively.

Applicants reserve the right to further contest other aspects of the rejection of claims 1, 2, 7, and 8 at a later time, if necessary and appropriate.

With respect to the rejection of claims 3-6, 9 and 10, the Office Action recognizes that Chan does not disclose an area discriminator which discriminates an area defined in each of objects contained in the image data and acquires position information of the area and an XML data producer which produces XML data corresponding to position information of each area discriminated by the area discriminator as in independent claim 3 and producing XML data corresponding to position information of each of a discriminated area and storing the produced XML

data in the XML box of the bit stream constructing the JPEG2000 file as in independent claim 9.

Applicants respectfully disagree with the Office Action's assertion that Yukihiro overcomes the deficiencies of Chan. The Examiner relies upon Yukihiro's alleged teaching of storing "position information" to modify the teaching of Chan referring to **metadata**. Specifically, the metadata in Chan that is included in the XML box is described as "metadata describing the image content". See paragraph [0192] of Chan. Chan does not describe the metadata as including XML data corresponding to position information.

Thus, the Examiner relies on Yukihiro's statements allegedly concerning **position information** to teach the placement of Chan's **metadata**. Since there is no teaching in Chan that the box that Chan is placing includes position information, there is no reason that one of skill in the art would look to Yukihiro's statements on position information to determine the placement of Chan's metadata. Accordingly, the Examiner's rationale for modifying Chan based on Yukihiro does not make sense.

The Examiner is therefore respectfully requested to withdraw the rejections of claims 3 – 6, 9, and 10, claims 4 - 2 and 10 being dependent on claims 3 and 9, respectively.

Applicants reserve the right to further contest other aspects of the rejection of claims 3 – 6, 9, and 10 at a later time, if necessary and appropriate.

The arguments made in the prior response filed in September 2007 are incorporated herein.

In the event that there are any questions concerning this response, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: March 26, 2008

By: 

William C. Rowland
Registration No. 30,888

Michael Britton
Registration No. 47620

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620